



*[Handwritten signature]*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 84 20**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Yomayra Patricia PENUELAS,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

On or about May 13, 2008, within the Southern District of California, defendant Yomayra Patricia PENUELAS did knowingly and intentionally import approximately 26.56 kilograms (58.43 pounds) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

*[Signature]*  
Rafael Silva, Special Agent  
Immigration and Immigration and  
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14<sup>TH</sup>  
DAY OF MAY 2008.

*[Signature]*  
Peter C. Lewis  
U. S. MAGISTRATE JUDGE

1 **UNITED STATES OF AMERICA**

2 **v.**

3 **Yomayra Patricia PENUELAS**

4 **STATEMENT OF FACTS**

5 This Statement of Facts is based on the reports, documents, and notes furnished to  
6 Immigration and Customs Enforcement Special Agent Rafael Silva.

7  
8 On May 13, 2008, at approximately 1450 hours, Yomayra Patricia PENUELAS entered  
9 the United States at the Calexico, California, West Port of Entry. PENUELAS was the driver  
10 and sole occupant of a 2000 Chrysler 300M.

11  
12 PENUELAS approached lane number nine which was being manned by Customs and  
13 Border Protection Officer (CBPO) Relente. During routine border inspection questioning,  
14 PENUELAS gave a negative Customs declaration. CBPO Relente referred PENUELAS and the  
15 vehicle to the vehicle secondary inspection.

16  
17 While at vehicle secondary, CBPO Ramos took over the inspection. CBPO Ramos  
18 received a negative Customs declaration from PENUELAS. PENUELAS claimed to be the  
19 registered owner of the vehicle. PENUELAS stated the reason for her trip to Mexico was to visit  
20 family. CBP/CEO Garcia utilized his assigned Human/Narcotics Detection Dog to screen the  
21 vehicle PENUELAS was driving. The dog alerted to the vehicle. CBP/CEO Garcia informed  
22 CBPO Ramos of the alert. CBPO Ramos continued the vehicle inspection and located a non-  
23 factory compartment in the vehicle's rocker panels.

24  
25 A subsequent inspection of the vehicle revealed twenty-four (24) packages concealed  
26 inside the compartment. CBPO Ramos probed one of the packages and a sample of a white  
27  
28  
29

1 powdery substance was obtained, which field tested positive for cocaine. The 24 packages had a  
2 combined weight of approximately 26.56 kilograms (58.43 pounds) of cocaine.

3 PENUELAS was placed under arrest and advised of her rights per Miranda, which she  
4 acknowledged and waived, agreeing to answer questions. PENUELAS told Special Agent Silva  
5 she bought the car for \$4,000.00 from a male subject known only as "Mauricio." PENUELAS  
6 also said she did not know the vehicle contained drugs. PENUELAS then stated she wanted to  
7 be completely honest and stated the car did not belong to her and she had not paid \$4,000.00 for  
8 it. PENUELAS stated she borrowed \$1,300.00 from "Mauricio" and was only able to pay him  
9 \$300.00. "Mauricio" then told her they needed to put the car under her name and she was to  
10 drive it into the United States a few times. PENUELAS stated she was told the vehicle would be  
11 used to smuggle drugs into the U.S.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29